

MINUTES

**CITY OF IMPERIAL BEACH
CITY COUNCIL
PLANNING COMMISSION
PUBLIC FINANCING AUTHORITY
HOUSING AUTHORITY
IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY**

DECEMBER 4, 2013

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

***CLOSED SESSION MEETING –5:30 P.M.
REGULAR MEETING – 6:00 P.M.***

CLOSED SESSION CALL TO ORDER

MAYOR JANNEY called the City Council meeting to order at 5:30 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present:	Patton, Bilbray, Spriggs
Councilmembers absent:	None
Mayor Present:	Janney
Mayor Pro Tem Present:	Bragg
Staff Present:	City Manager Hall, City Attorney Lyon, City Clerk Hald

CLOSED SESSION

MOTION BY PATTON, SECOND BY BRAGG, TO ADJOURN TO CLOSED SESSION UNDER:

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Govt. Code section 54956.9(d)(2) with existing facts and circumstances per Govt. Code section 54956.9(e)(1): (1 case)

MOTION CARRIED UNANIMOUSLY.

ADJOURN CLOSED SESSION

MAYOR JANNEY adjourned the meeting to Closed Session at 5:31 p.m. and he reconvened the meeting to Open Session at 6:00 p.m.

Reporting out of Closed Session, CITY ATTORNEY LYON announced City Council discussed Item No. 1, City Council gave direction and no reportable action was taken.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the City Council meeting to order at 6:01 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present:	Patton, Bilbray, Spriggs
Councilmembers absent:	None
Mayor Present:	Janney
Mayor Pro Tem Present:	Bragg
Staff Present:	City Manager Hall, City Attorney Lyon, City Clerk Hald, Administrative Services Director Bradley, Public Safety Director/Fire Chief Clark, Environmental Program Manager Helmer, Assistant City Manager Wade

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

MAYOR JANNEY announced that staff asked to have Item No. 6.3 moved to the next Regular City Council meeting to allow time for further review.

MOTION BY JANNEY, SECOND BY BILBRAY, TO TAKE ITEM NO. 6.3 OFF THE AGENDA FOR CONSIDERATION AT THE REGULAR CITY COUNCIL MEETING OF DECEMBER 18, 2013. MOTION CARRIED UNANIMOUSLY.

MAYOR / COUNCIL REIMBURSEMENT DISCLOSURE / COMMUNITY ANNOUNCEMENTS / REPORTS ON ASSIGNMENTS AND COMMITTEES

COUNCILMEMBER SPRIGGS reported that he was appointed to the U.S. International Boundary and Water Commission's Citizen's Forum to represent the interests of Imperial Beach.

COUNCILMEMBER PATTON announced that the Christmas Comes to I.B. event will be held on December 7th.

MAYOR JANNEY announced that the Fleet Reserve, VFW and the American Legion will hold a Pearl Harbor Remembrance Ceremony on the Pier on December 7th. He also announced that there will be a State of the City Address at the Pier South Hotel on January 22, 2014.

COMMUNICATIONS FROM CITY STAFF

CITY MANAGER HALL introduced Doug Bradley, the City's new Administrative Services Director.

DOUG BRADLEY, Administrative Services Director, introduced and gave background on himself.

PUBLIC COMMENT

JUNE ENGEL, I.B. Library Branch Manager, thanked the Sheriff's Dept. for participating in a Local Heroes Story time. She spoke about a new Virtual Counselor Network system that is available at the library.

CHUCK QUISENBERRY appreciated the use of the electric sign trailer to advertise the Christmas Comes to I.B. event and requested that the sign trailer also be used to announce upcoming City Council meetings.

PRESENTATIONS (1.1)

MAYOR JANNEY, PORT COMMISSIONER MALCOLM and PUBLIC SAFETY DIRECTOR/FIRE CHIEF CLARK recognized Lifeguards Jason Lindquist, Art Ayala, Brittany Hansen, and Hans Kohler for their efforts in saving the life of Mike Underhill. He also recognized the efforts of the I.B. Firefighters, American Medical Response and members of the public: Joe Bradley, Perry Payne and Galileo Galvez.

1.1 PRESENTATION ON PORT DISTRICT ACTIVITIES FROM PORT COMMISSIONER MALCOLM. (0150-70)

PORT COMMISSIONER MALCOLM gave a PowerPoint presentation on Port District activities. He noted that the Pier improvement project will be completed before summer.

COUNCILMEMBER PATTON thanked Port Commissioner Malcolm for serving the community.

COUNCILMEMBER SPRIGGS questioned if the City's suggestions for the Port's Capital Improvement Program can be revisited.

MAYOR JANNEY suggested that Port Commissioner Malcolm return to City Council to discuss the City's suggestions for the Port's Capital Improvement Program.

PORT COMMISSIONER MALCOLM stated that the Port will hold another Capital Improvement Program Workshop to review funding and prioritization.

MAYOR PRO TEM BRAGG suggested that the City Council revisit the list of Capital Improvement Projects prior to the Port's Workshop in order to give Port Commissioner Malcolm direction on City Council's priorities.

CONSENT CALENDAR (2.1-2.9)

CHUCK QUISENBERRY spoke in opposition to Item No. 2.4.

CITY ATTORNEY LYON announced that Councilmember Spriggs has a potential conflict of interest on Item No. 2.9 due to the location of his residence. Therefore, he is allowed to vote on the Consent Calendar, however, he is recused on Item No. 2.9.

MOTION BY BILBRAY, SECOND BY PATTON, TO APPROVE CONSENT CALENDAR ITEMS NOS. 2.1 THRU 2.8. MOTION CARRIED UNANIMOUSLY.

WITH REGARD TO ITEM NO. 2.9, MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	BILBRAY, PATTON, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
DISQUALIFIED:	COUNCILMEMBERS:	SPRIGGS

2.1 MINUTES.

Approved the minutes of the Regular Meeting of October 2, 2013.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 83525 through 83655 with a subtotal amount of \$817,608.45 and Payroll Checks/Direct Deposit 45607 through 45630 for a subtotal amount of \$129,101.08 for a total amount of \$946,709.53.

2.3 APPROVE RESOLUTION NO. 2013-7435 APPOINTING THE ADMINISTRATIVE SERVICES DIRECTOR /TREASURER. (0320-95)

Adopted resolution.

2.4 RESOLUTION NO. 2013-7434 APPROPRIATING \$36,000 FROM THE NEW STRATEGIC CAPITAL IMPROVEMENT GF RESERVE FOR THE SEACOAST DRIVE AESTHETIC PROJECT (SP1-301). (0720-60)

1. Received report and
2. Adopted resolution.

2.5 LOCAL APPOINTMENTS LIST. (0460-45)

City Council approved the Local Appointments List in compliance with California Government Code §54972 and designated the Imperial Beach Branch Library (the public library with the largest service population within jurisdiction) to receive a copy of the list in compliance with California Government Code §54973.

2.6 RESOLUTION NO. 2013-7436 APPROVING THE CALENDAR AND SETTING THE TIME FOR CITY COUNCIL MEETINGS FOR THE YEAR 2014. (0410-05)

Adopted resolution.

2.7 SECOND READING AND ADOPTION OF ORDINANCE NO. 2013-1143: ORDINANCE ADOPTING CALIFORNIA CODE OF REGULATIONS TITLE 24 PARTS 1 THROUGH 12, 2013 EDITION WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS. (0710-95)

Adopted ordinance.

2.8 ADOPTION OF RESOLUTION NO. 2013-7433 CREATING A TEMPORARY POSITION OF GRAPHIC INFORMATION SYSTEMS (GIS) FIRE MAPPING INTERN AND CREATING THE POSITION CLASSIFICATION OF FIREFIGHTER/EMT (PART-TIME) AND AMENDING THE FISCAL YEAR (FY) 2013-2015 SALARY & COMPENSATION PLAN REFLECTING BOTH POSITIONS AND UPDATING THE BEACH LIFEGUARD AND FIRE SERIES POSITION CLASSIFICATIONS. (0510-20 & 0520-75)

Adopted resolution.

2.9 AMENDMENT 2 TO THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) AND THE CITY OF IMPERIAL BEACH REGARDING THE REGIONAL BEACH SAND PROJECT II. (0220-70)

Approved Amendment 2 to the MOU between SANDAG and the City of Imperial Beach.

ORDINANCES – INTRODUCTION/FIRST READING(3.1)

3.1 INTRODUCTION AND FIRST READING OF ORDINANCE NO. 2013-1142 OF THE CITY OF IMPERIAL BEACH, CALIFORNIA REPEALING CHAPTER 9.54 AND ADOPTING CHAPTER 9.54 OF THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO HOUSE PARTIES AND CONSUMPTION OF ALCOHOL BY MINORS. (0240-95)

CITY MANAGER HALL introduced the item.

CITY ATTORNEY LYON reported that the item is being presented so that the City can update its social host ordinance in line with the current state of the law. She noted that a detailed explanation of the revisions is in the staff report and stressed that the intent of the old and new ordinance is the same. She responded to Councilmember Sprigg's concerns regarding enforcement options.

WES BRADDOCK, Principal of Mar Vista High School, spoke in support of the ordinance and applauded the students for taking an active role in local government.

STEPHANIE MONTES stated that South Bay Youth for Change collected 350 signatures in support of the updated ordinance and she voiced support for the ordinance.

GABRIEL MATEUS spoke in support for the revised ordinance.

MAYOR PRO TEM BRAGG thanked the students for participating in local government and she spoke in support for the revised ordinance.

COUNCILMEMBER PATTON appreciated the student's efforts and he spoke in support for the revised ordinance.

CITY CLERK HALD read the title of Ordinance 2013-1142 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA REPEALING CHAPTER 9.54 AND ADOPTING CHAPTER 9.54 OF THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO HOUSE PARTIES AND CONSUMPTION OF ALCOHOL BY MINORS".

MOTION BY BRAGG, SECOND BY SPRIGGS, TO INTRODUCE AND HOLD THE FIRST READING OF ORDINANCE NO. 2013-1142 BY TITLE ONLY, WAIVE FURTHER READING IN FULL, AND SCHEDULE THE SECOND READING AND ADOPTION OF THE ORDINANCE ON JANUARY 15, 2014. MOTION CARRIED UNANIMOUSLY.

ORDINANCES – SECOND READING & ADOPTION (4.1)

4.1 SECOND READING AND ADOPTION OF ORDINANCE NO. 2013-1141 AMENDING THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY OF IMPERIAL BEACH, TO INCLUDE AN ADDITIONAL 3% EMPLOYEE COST SHARING FOR CLASSIC LOCAL FIRE MEMBERS. (0520-70 & 0540-50)

CITY MANAGER HALL introduced the item

CITY CLERK HALD read the title of Ordinance 2013-1141 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM".

MOTION BY PATTON, SECOND BY SPRIGGS, TO ADOPT ORDINANCE NO. 2013-1141 BY TITLE ONLY. MOTION CARRIED UNANIMOUSLY.

ORDINANCES – SECOND READING & ADOPTION/PUBLIC HEARING (4.2)

4.2 SECOND READING / ADOPTION OF ORDINANCE NO. 2013-1140 THAT IMPLEMENTS COASTAL COMMISSION MODIFICATIONS TO THE IMPERIAL BEACH COMMERCIAL LOCAL COASTAL PROGRAM AMENDMENT (LCPA)/AND ZONING CODE AMENDMENT PROJECT. MF935. (0610-95)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER HALL introduced the item.

CHUCK QUISENBERRY spoke in opposition to the ordinance.

MAYOR JANNEY closed the public hearing and called for the second reading of Ordinance No. 2013-1140 by title only.

CITY CLERK HALD read the title of Ordinance No. 2013-1140 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AMENDING ATTACHMENT 2 OF ORDINANCE NO. 2012-1130 THAT AMENDED TITLE 19 (ZONING) OF THE IMPERIAL BEACH MUNICIPAL CODE BY AMENDING THE PROVISIONS FOR THE C-1, C-2, AND C-3 COMMERCIAL ZONES AND AMENDING THE ZONING MAP FOR PROPERTIES DESIGNATED C-1 (GENERAL COMMERCIAL) IN THE PALM AVENUE STUDY AREA, C-2

(SEACOAST COMMERCIAL) IN THE OLD PALM AVENUE AND SEACOAST DRIVE STUDY AREAS, AND C-3 (NEIGHBORHOOD COMMERCIAL) IN THE 13TH STREET CORRIDOR STUDY AREAS AND AREAS ZONED R-1500 (HIGH DENSITY RESIDENTIAL) THAT WERE SUBJECT TO THE MU-1 (MIXED USE-1) OVERLAY DESIGNATION IN THE PALM AVENUE STUDY AREA AND THE MU-2 (MIXED USE-2) OVERLAY DESIGNATION IN THE SEACOAST DRIVE STUDY AREA TO SATISFY THE MODIFICATIONS STIPULATED BY THE COASTAL COMMISSION MF 935.”

MOTION BY JANNEY, SECOND BY BRAGG, TO WAIVE FURTHER READING OF ORDINANCE NO. 2013-1140 AND ADOPT THE ORDINANCE BY TITLE ONLY.

COUNCILMEMBER SPRIGGS stated for the record that the Commercial Zoning ordinance originated in Imperial Beach. He stressed that it is an Imperial Beach solution and reflects a common ground for the community as a result of community debates, public hearings and workshops. He noted that this is the last stage of a long process and that it is time to move on.

MAYOR JANNEY stated that the ordinance promotes classic southern California.

VOTES WERE NOW CAST ON ORIGINAL MOTION BY JANNEY, SECOND BY BRAGG, TO WAIVE FURTHER READING OF ORDINANCE NO. 2013-1140 AND ADOPT ORDINANCE BY TITLE ONLY. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS (5)

See Item No. 4.2.

REPORTS (6.1-6.4)

6.1 ADOPTION OF RESOLUTION NO. 2013-7432 APPROVING AND ADOPTING THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY AND THE MEMBERS OF THE CITY’S MISCELLANEOUS CLASSIFIED SERVICE/SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU) LOCAL 221. (0540-50)

CITY MANAGER HALL reported on the item.

MOTION BY JANNEY, SECOND BY BRAGG, TO ADOPT RESOLUTION 2013-7432 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING AND ADOPTING THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY AND THE MEMBERS OF THE CITY’S MISCELLANEOUS CLASSIFIED SERVICE/SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 221. MOTION CARRIED UNANIMOUSLY.

6.2 RESOLUTION NO. 2013-7430 AWARDDING A CONTRACT FOR LANDSCAPE MAINTENANCE SERVICES. (0940-05)

CITY MANAGER HALL reported on the item.

MOTION BY PATTON, SECOND BY BRAGG , TO ADOPT RESOLUTION NO. 2013-7430 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AWARDDING A CONTRACT FOR LANDSCAPE MAINTENANCE SERVICES. MOTION CARRIED UNANIMOUSLY.

6.3 RESOLUTION NO. 2013-7431 AWARDDING A PUBLIC WORKS CONTRACT; TO WIT: RTIP FY 11-12 (STREET IMPROVEMENTS) CIP# S12-104. (0720-25)

Item removed from the agenda by prior City Council action.

6.4 RESOLUTION 2013-7429 TO AWARD PROFESSIONAL SERVICES CONTRACT TO URS CORPORATION AMERICAS FOR CONSULTANT SUPPORT TO DEVELOP AND IMPLEMENT A WATER QUALITY IMPROVEMENT PLAN (WQIP) FOR THE TIJUANA RIVER WATERSHED. (0230-70)

CITY MANAGER HALL introduced the item.

ENVIRONMENTAL PROGRAM MANAGER HELMER reported that he will return in January with a cost sharing agreement between Imperial Beach, the County of San Diego and the City of San Diego and that he will give a detailed report at that time. He also reported on the benefits of the WQIP.

In response to concerns of City Council regarding the possibility of the City of Imperial Beach getting stuck with the responsibility for payments to the consultant, PUBLIC WORKS DIRECTOR LEVIEN stated that the City of Imperial Beach has protection written into the agreement on Page 2, Section 2, Subsection F. He noted that no payments will be made to the consultant unless the cost sharing agreement is in place.

MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2013-7429 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AWARDDING A PROFESSIONAL SERVICES CONTRACT TO URS CORPORATION AMERICAS FOR CONSULTANT SUPPORT TO DEVELOP AND IMPLEMENT A WATER QUALITY IMPROVEMENT PLAN (WQIP) FOR THE TIJUANA RIVER WATERSHED. MOTION CARRIED UNANIMOUSLY.

I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS (7.1)

7.1. ADOPTION OF SUCCESSOR AGENCY RESOLUTION NO. SA-13-37 AND HOUSING AUTHORITY RESOLUTION NO. HA-13-16 CONFIRMING THAT ANY UNMET AFFORDABLE HOUSING OBLIGATIONS OF THE FORMER IMPERIAL BEACH REDEVELOPMENT AGENCY ARE AND HAVE BEEN RETAINED BY THE SUCCESSOR AGENCY AS ENFORCEABLE OBLIGATIONS TO BE FUNDED FROM THE REDEVELOPMENT PROPERTY TAX TRUST FUND AND WERE NOT TRANSFERRED TO THE SUCCESSOR HOUSING ENTITY, IN ACCORDANCE WITH HEALTH AND SAFETY CODE SECTION 34176(b). (0412-50 & 0418-50)

CITY MANAGER HALL introduced the item.

ASSISTANT CITY MANAGER WADE reported on the item.

CHUCK QUISENBERRY suggested that the Redevelopment Agency be dissolved and to leave development to the free market.

MOTION BY SPRIGGS, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. SA-13-37 A RESOLUTION OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY CONFIRMING THAT ANY UNMET AFFORDABLE HOUSING OBLIGATIONS OF THE FORMER IMPERIAL BEACH REDEVELOPMENT AGENCY, TO THE EXTENT SUCH OBLIGATIONS EXISTED AND CONTINUE TO EXIST UNDER THE LAW, ARE AND HAVE BEEN RETAINED BY THE SUCCESSOR AGENCY AS ENFORCEABLE OBLIGATIONS TO BE FUNDED FROM THE REDEVELOPMENT PROPERTY TAX TRUST FUND AND WERE NOT TRANSFERRED TO THE SUCCESSOR HOUSING ENTITY, IN ACCORDANCE WITH HEALTH AND SAFETY CODE SECTION 34176(b). MOTION CARRIED UNANIMOUSLY.

MOTION BY BRAGG, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. HA-13-16 A RESOLUTION OF THE HOUSING AUTHORITY OF THE CITY OF IMPERIAL BEACH, ACTING IN ITS CAPACITY AS THE SUCCESSOR HOUSING ENTITY TO THE FORMER IMPERIAL BEACH REDEVELOPMENT AGENCY, CONFIRMING THAT ANY UNMET AFFORDABLE HOUSING OBLIGATIONS OF THE FORMER IMPERIAL BEACH REDEVELOPMENT AGENCY, TO THE EXTENT SUCH OBLIGATIONS EXISTED AND CONTINUE TO EXIST UNDER THE LAW, ARE AND HAVE BEEN RETAINED BY THE SUCCESSOR AGENCY AS ENFORCEABLE OBLIGATIONS TO BE FUNDED FROM THE REDEVELOPMENT PROPERTY TAX TRUST FUND AND WERE NOT TRANSFERRED TO THE SUCCESSOR HOUSING ENTITY, IN ACCORDANCE WITH HEALTH AND SAFETY CODE SECTION 34176(b). MOTION CARRIED UNANIMOUSLY.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

None.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 7:54 p.m.

_____/s/_____
James C. Janney Mayor

_____/s/_____
Jacqueline M. Hald, MMC
City Clerk